



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 01448-00  
19 May 2000

SSGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 23 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. The Board noted that the report you wanted removed marked you "OS" (outstanding), the highest possible, in items 13e ("handling enlisted personnel"), 13f ("training personnel") and 14m ("economy of management"); while the report you wanted filed marked you "NO" (not observed) in item 14m. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

1448-00



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1610  
MMER/PERB  
23 FEB 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
STAFF SERGEANT [REDACTED] USMC

Ref: (a) SSg [REDACTED] DD Form 149 of 25 Oct 99  
(b) MCO P1610.7C w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 16 February 2000 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 940701 to 941231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that a different version of the challenged fitness report (signed by the Reporting Senior on 31 December 1994) should have been entered in his record. To support his appeal, the petitioner furnishes a copy of the 31 December fitness report along with a letter from the Reporting Senior of record (Capt. [REDACTED]).

3. In its proceedings, the PERB concluded that the report of record is both administratively correct and procedurally complete as written and filed. Succinctly stated, and notwithstanding the letter from Captain [REDACTED] the fitness report dated 31 December 1994 has no validity whatsoever. It contains neither the petitioner's rebuttal (note the mark in Item 24), nor any initials, comments, or signature by the Reviewing Officer or Third Sighting Officer. More important, however, is that the report was never submitted to nor received by this Headquarters.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant [REDACTED] official military record.

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STAFF SERGEANT [REDACTED]

5. The case is forwarded for final action.

[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps